

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	Bk. No. 02-11125 (KJC)
EXIDE TECHNOLOGIES, et al.	)	
	)	
<hr/>		
ENERSYS DELAWARE, INC.,	)	Civ. No. 06-302 (SLR)
	)	
Appellant,	)	
	)	AP No. 06-33
v.	)	
	)	
EXIDE TECHNOLOGIES,	)	
	)	
Appellee.	)	
	)	

**EXIDE TECHNOLOGIES' DESIGNATION OF  
ADDITIONAL ITEMS TO BE INCLUDED IN RECORD ON APPEAL**

Exide Technologies ("Exide"), pursuant to Rule 6(b)(2)(B)(ii) of the Federal Rules of Appellate Procedure, hereby designates the below additional items to be included in the record on appeal of EnerSys Delaware, Inc. f/k/a/ EnerSys, Inc. from the Memorandum Order [Docket No. 24] entered by the Court on February 27, 2008:

Tab	Docket No.	Date	Document Name
1		6/25/2003	Objections and Answers to Debtors' First Set of Interrogatories Directed to EnerSys, Inc.
2		6/27/2003	EnerSys, Inc.'s Supplementary Objections and Answers to Debtors' First Set of Interrogatories Directed to EnerSys, Inc.
3		8/29/2003	Objections and Responses to Debtor's Second Request for Production of Documents.
4		4/13/2004	Exhibit T to June 10, 1991 Asset Purchase Agreement: Trademark & Trade Name License Agreement & March 14,

			2003 Notice to Reject Same (Exide Trial Exhibit 2).
5		4/13/2004	June 10, 1991 Asset Purchase Agreement & March 14, 2003 Notice to Reject Same (Exide Trial Exhibit 3).
6		4/13/2004	April 1, 1992 Administrative Services Agreement & March 14, 2003 Notice to Reject Same (Exide Trial Exhibit 5).
7		4/13/2004	April 1, 1992 Miscellaneous Services Agreement & March 14, 2003 Notice to Reject Same (Exide Trial Exhibit 6).
8		4/13/2004	December 27, 1994 Letter Agreement from E. J. Choquette to B. F. Stewart & March 14, 2003 Notice to Reject Same (Exide Trial Exhibit 7).
9		4/13/2004	Schedule 5.22 (a) to Asset Purchase Agreement (Exide Trial Exhibit 9).
10		4/13/2004	Schedule 9.1 to Asset Purchase Agreement (Exide Trial Exhibit 10).
11		4/13/2004	Schedule 9.5 to Asset Purchase Agreement (Exide Trial Exhibit 11).
12		4/13/2004	Joint Venture Agreement (Exide Trial Exhibit 16).
13		4/13/2004	4/1/92 Stockholder's Agreement (Exide Trial Exhibit 19).
14		4/13/2004	3/31/91 Exide SEC filing - 10 K (Exide Trial Exhibit 33).
15		4/13/2004	3/31/92 Exide SEC filing - 10 K (Exide Trial Exhibit 34).
16		4/13/2004	5/7/92 Letter re Corporate Action Without Special Meeting of the Board of Directors of Yuasa-Exide, Inc. (Exide Trial Exhibit 35).
17		4/13/2004	February 13 and February 27, 2001 Letters between Exide & EnerSys (Exide Trial Exhibit 38).
18		4/13/2004	4/2/98 Letter from T. Reese to N. Webb (Exide Trial Exhibit 40).
19		4/13/2004	The Simon Group Report (Exide Trial Exhibit 41).
20		4/13/2004	Simon Report Excerpt (Exide Trial Exhibit 42).
21		4/13/2004	10/18/00 Fax from R. W. Zuidema at Yuasa to A. Levine at

			Exide Corp. (Exide Trial Exhibit 46).
22		4/13/2004	Miscellaneous Letters between Yuasa / EnerSys and Exide 1998 - 1999 (Exide Trial Exhibit 50).
23		4/13/2004	June 18, 2003 Letter and January 9, 2004 Letter from R. Furey to J. Craig (Exide Trial Exhibit 51).
24		4/13/2004	4/5/00 Fax to S. Kawata, from E. Yurick (Exide Trial Exhibit 54).
25		4/13/2004	8/28/03 Letter from F. Macerato, to M. Kleiman (Exide Trial Exhibit 55).
26		4/13/2004	9/4/03 Letter to F. Macerato from R. Furey (Exide Trial Exhibit 56).
27		4/13/2004	9/10/03 Letter to R. Furey from F. Macerato (Exide Trial Exhibit 57).
28		4/13/2004	Ernst & Young document (Exide Trial Exhibit 59).
29		4/13/2004	EnerSys Inc. Intangible Asset Appraisal EnerSys, Inc. (Exide Trial Exhibit 60).
30		4/13/2004	3/31/95 Ernst & Young Intellectual Property Royalty Rate Study to P. McClafferty (Exide Trial Exhibit 61).
31		4/13/2004	Consolidated Financial Statements - Yuasa, Inc. - Years ended March 31, 1999 and 1998 with Report of Independent Auditors (Exide Trial Exhibit 62).
32		4/13/2004	EnerSys website (Exide Trial Exhibit 63A).
33		4/13/2004	EnerSys website (Exide Trial Exhibit 63B).
34		4/13/2004	EnerSys website (Exide Trial Exhibit 63C).
35		4/13/2004	EnerSys website (Exide Trial Exhibit 63D).
36		4/13/2004	EnerSys website (Exide Trial Exhibit 63E).
37		4/13/2004	EnerSys website (Exide Trial Exhibit 63F).
38		4/13/2004	EnerSys website (Exide Trial Exhibit 63G).
39		4/13/2004	EnerSys website (Exide Trial Exhibit 63H).

40		4/13/2004	EnerSys website (Exide Trial Exhibit 63I).
41		4/13/2004	EnerSys website (Exide Trial Exhibit 63J).
42		4/13/2004	EnerSys website (Exide Trial Exhibit 63K).
43		4/13/2004	Goals with our Brand building Strategy (Exide Trial Exhibit 64).
44		4/13/2004	Loadhog & Deserthog Advertisements (Exide Trial Exhibit 65).
45		4/13/2004	Miscellaneous "Hog" Advertisements (Exide Trial Exhibit 66).
46		4/13/2004	Exide Ironclad Advertisement (Exide Trial Exhibit 67).
47		4/13/2004	Brand Strategy Case Study (Exide Trial Exhibit 68).
48		4/13/2004	Exide Technologies - Industrial Battery Group: Corporate Name Strategy (Exide Trial Exhibit 69).
49		4/13/2004	Possible Global Branding Scenarios (Exide Trial Exhibit 70A).
50		4/13/2004	Brands 1999 (Exide Trial Exhibit 70B).
51		4/13/2004	9/28/99 Power point presentation re Brand Strategy: Understand the Applicability of Branding Activities Across and Within National Boundaries; Lucca, Italy (Exide Trial Exhibit 71).
52		4/13/2004	Brand Name Strategy (Exide Trial Exhibit 72).
53		4/13/2004	Exide Technologies - Network Power Group (Exide Trial Exhibit 73).
54		4/13/2004	8/14/01 Email from T. Kaciubsky to D. Morris (Exide Trial Exhibit 74).
55		4/13/2004	10/6/03 Exide Press Release (Exide Trial Exhibit 76).
56		4/13/2004	Agenda 2003-06-05 (Exide Trial Exhibit 77).
57		4/13/2004	10/31/03 Exide Press Release (Exide Trial Exhibit 78).
58		4/13/2004	Exide Batteries Advertisement (Exide Trial Exhibit 79).

59		4/13/2004	Exide Batteries Advertisement (Exide Trial Exhibit 80).
60		4/13/2004	Exide Technologies Code of Ethics and Business Conduct (Exide Trial Exhibit 81).
61		4/13/2004	3/25/03 Exide Technologies Global Quality Assurance Manual (Exide Trial Exhibit 82).
62		4/13/2004	U.S. Trademark Registration No. 986,811 (Exide Trial Exhibit 84).
63		4/13/2004	U.S. Trademark Registration No. 1,545,246 (Exide Trial Exhibit 85).
64		4/13/2004	U.S. Trademark Registration No. 1,658,819 (Exide Trial Exhibit 86).
65		4/13/2004	National Electrical Manufacturers Association - Cycle Life Testing of Lead-Acid Industrial Storage Batteries for Motive Power Service (Exide Trial Exhibit 92A).
66		4/13/2004	IEEE Recommended Practice for Installation Design and Installation of Large Lead Storage Batteries for Generating Stations and Substations - IEEE Std 484-1987 (Exide Trial Exhibit 92B).
67		4/13/2004	IEEE Recommended Practice for Maintenance, Testing, and Replacement of Large Lead Storage Batteries for Generating Stations and Substations - IEEE Std 450-1987 (Exide Trial Exhibit 92C).
68		4/13/2004	National Electrical Manufacturers Association Publication No. 1B; Determination of Capacity of Lead-Acid Industrial Storage Batteries for Motive Power Service (Exide Trial Exhibit 92D).
69		4/13/2004	Bell Communication Research; Generic Requirements for Lead-Acid Storage Batteries (Exide Trial Exhibit 92E).
70		4/13/2004	Bellcore - Generic Requirements for Valve – Regulated Lead Acid Cells (Exide Trial Exhibit 92F).
71		4/13/2004	IEEE Recommended Practice for Maintenance, Testing, and Replacement of Vented Lead-Acid Batteries for Stationary Applications - IEEE Std 450-1995 (Exide Trial Exhibit 92G).

72		4/13/2004	IEEE Guide for Selection of Valve-Regulated Lead-Acid (VRLA) Batteries for Stationary Applications (Exide Trial Exhibit 92H).
73		4/13/2004	IEEE Recommended Practice for Maintenance, Testing, and Replacement of Vented Lead-Acid Batteries for Stationary Applications - IEEE Std 450-1995 (Exide Trial Exhibit 92I).
74		4/13/2004	IEEE Recommended Practice for Maintenance, Testing, and Replacement of Valve-Regulated Lead-Acid (VRLA) Batteries for Stationary Applications - IEEE Std 1188-1996 (Exide Trial Exhibit 92J).
75		4/13/2004	IEEE Recommended Practice for Installation Design and Installation of Valve-Regulated Lead-Acid Storage Batteries for Stationary Applications - IEEE Std 1187-1996 (Exide Trial Exhibit 92K).
76		4/13/2004	IEEE Recommended Practice for Maintenance, Testing, and Replacement of Valve-Regulated Lead-Acid (VRLA) Batteries for Stationary Applications - IEEE Std 1188-1996 (Exide Trial Exhibit 92L).
77		4/13/2004	IEEE Recommended Practice for Sizing Lead-Acid Batteries for Stationary Applications - IEEE Std 485-1997 (Exide Trial Exhibit 92M).
78		4/13/2004	American National Standard for Telecommunications; Valve-Regulated Lead-Acid Batteries Used in the Telecommunications Environment (Exide Trial Exhibit 92N).
79		4/13/2004	Battery Council International; Life Cycle Testing of Lead-Acid Industrial Storage Batteries for Motive Power Service (Exide Trial Exhibit 92O).
80		4/13/2004	Battery Council International; Determination of Capacity of Lead-Acid Industrial Storage Batteries for Motive Power Service (Exide Trial Exhibit 92P).
81		4/13/2004	IEEE Recommended Practice for Maintenance, Testing, and Replacement of Vented Lead-Acid Batteries for Stationary Applications; IEEE Std 450-2002 (Exide Trial Exhibit 92Q).

82		4/13/2004	§172.101 Hazardous Materials Table (Exide Trial Exhibit 92R).
83		4/13/2004	Part 3 - Dangerous Goods List and Limited Qualities Exceptions (Exide Trial Exhibit 92S).
84		4/13/2004	IATA - Identification (Exide Trial Exhibit 92T).
85		4/13/2004	6/25/91 Letter with Technical Assistance and License Agreement (Exide Trial Exhibit 93A).
86		4/13/2004	Agreement between Battronics, Inc., Exide Corporation, and Yuasa-Exide, Inc. (Exide Trial Exhibit 93B).
87		4/13/2004	Murphy, John M., Brand Strategy, pp. 47-48, 115, 119 (Exide Trial Exhibit 96).
88		4/13/2004	Aaker, David, Managing Brand Equity, p. 212 (Exide Trial Exhibit 97).
89		4/13/2004	5/18/03-05/21/03 A Presentation at the 115th Convention of Battery Council International - North American Industrial Battery Forecast Report 2003-2007 (Exide Trial Exhibit 98).
90		4/13/2004	Exide Technologies Form 10-K for Fiscal Year Ended March 31, 2003 (Exide Trial Exhibit 102).
91		4/13/2004	EnerSys, Inc. Website pages (Exide Trial Exhibit 103).
92		4/13/2004	3/30/01 A Strategic Integrated Marketing Communications Proposal for EnerSys Inc. for Fiscal Year 2001 (Exide Trial Exhibit 104).
93		4/13/2004	Smith, Gordon V., Trademark Valuation, pp. 178-179 (Exide Trial Exhibit 106).
94		4/13/2004	10/24/03 Exide Technologies FY 02-03 Income Statement Comparison by GBU by Geography (Exide Trial Exhibit 122).
95		4/13/2004	8/10/03 Income Statement Third Party Sales Only - GNB Industrial Power - for Fiscal Years Ended March 2002 and March 2003 (Exide Trial Exhibit 123).
96		4/13/2004	3/31/95 Intellectual Property Rate Study performed by Ernst & Young for Yuasa-Exide (Exide Trial Exhibit 126).

97		4/13/2004	5/22/01 EnerSys Inc. Intangible Asset Appraisal by Enterprise Appraisal Company (Exide Trial Exhibit 127).
98		4/13/2004	Simon, Carol J. and Mary W. Sullivan, "The Measurement and Determinants of Brand Equity: A Financial Approach" (Exide Trial Exhibit 128).
99		4/13/2004	3/31/91 Exide Corporation Industrial Division Financial Statements (Exide Trial Exhibit 144).
100		4/13/2004	EnerSys Publication No. AS-RP-PG-001 January 2003 (Exide Trial Exhibit 152).
101		4/13/2004	EnerSys Heritage Battery Brochure (Exide Trial Exhibit 153).
102		4/13/2004	Yuasa-Exide Brochure (Exide Trial Exhibit 154).
103		4/13/2004	Demonstrative - Brand Map (Exide Trial Exhibit 201).
104		4/13/2004	Demonstrative - One Team ... One Vision ... Photograph (Exide Trial Exhibit 202).
105		4/13/2004	GNB Study (Exide Trial Exhibit 300).
106		4/13/2004	Curriculum Vitae of Scott D. Phillips (Exide Trial Exhibit 301).
107		4/13/2004	Demonstrative - Five Products vs. All Others (Exide Trial Exhibit 302).
108		4/13/2004	Memo re new Corporate Identity (Exide Trial Exhibit 303).
109		4/13/2004	Demonstrative re Price Premium: Technology Portion (Exide Trial Exhibit 305).
110		4/13/2004	Demonstrative re Determination of Trademark Earnings Rate (Exide Trial Exhibit 306).
111		4/13/2004	Demonstrative re Indicated Valuation Analysis (Exide Trial Exhibit 309).
112		4/13/2004	Demonstrative re Illustrative Rebuttal Analysis (Exide Trial Exhibit 310).
113		4/13/2004	Excerpts from Brand Valuation by John Murphy (Exide Trial Exhibit 313).



114		4/13/2004	Chart re Two Exide Ironclad Batteries Compared to Three General Batteries (Exide Trial Exhibit 315).
115		4/13/2004	Excerpts from Trademark Valuation by Gordon Smith (Exide Trial Exhibit 316).
116		4/13/2004	Demonstrative re Advertisements (Exide Trial Exhibit 400).
117		4/13/2004	Demonstrative - Handwritten formula on Easel Paper (Exide Trial Exhibit 408).
118		4/13/2004	Demonstrative - Chart of Mr. Blonder's Assumption (Exide Trial Exhibit 411).
119		4/13/2004	Memo from Shea to managers re Market Trends (EnerSys Trial Exhibit 132).
120		1/28/2004	Transcript of Hearing held on 1/28/04 pp. 44-106.
121	3914	3/15/2004	FILED UNDER SEAL: Transcript of Hearing Held on 3/3/04 pp. 47-121; 174-189; 201-203.
122	3917	3/15/2004	FILED UNDER SEAL: Transcript of Hearing Held on 3/4/04 pp. 20-45; 99-101; 103-113; 125-126; 129-145; 158-202; 258-326.
123	3916	3/15/2004	FILED UNDER SEAL: Transcript of Hearing Held on 3/5/04 pp. 5-25; 101-110; 115-119; 158-170.
124	4002	3/23/2004	FILED UNDER SEAL: Transcript of Hearing Held on 3/12/04 pp. 1-8; 45-66; 83-98; 133-182; 215-218.
125		3/17/2004	Transcript of Hearing Held on 3/17/04 pp. 28-203; 230-232.
126		3/25/2004	Transcript of Hearing Held on 3/25/04 pp. 133-210.
127		3/26/2004	Transcript of Hearing Held on 3/26/04 pp. 6-90; 109-190.
128	5474	5/05/2006	Transcript of Hearing Held on 4/27/06 pp. 1-42.

Exide respectfully reserves the right to supplement and amend the record on appeal designated herein.

Dated: May 8, 2008


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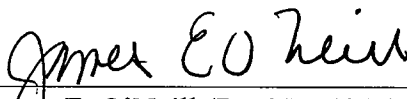
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ENERSYS DELAWARE, INC.,	) Civ. No. 06-302 (SLR)
	)
Appellant,	)
	) AP No. 06-33
v.	)
	)
EXIDE TECHNOLOGIES,	)
	)
Appellee.	)
	)

**CERTIFICATE OF SERVICE**

I, James E. O'Neill, hereby certify that on the 8<sup>th</sup> day of May, 2008, I caused a copy of the following document(s) to be served on the individuals on the attached service list(s) in the manner indicated:

**Exide Technologies' Designation of Additional Items to be Included in Record on Appeal**

  
\_\_\_\_\_  
James E. O'Neill (Bar No. 4042)

Exide Technologies – Enersys Service List  
Case No. 02-11125 (KJC)  
Document No. 120280v2  
02 – Hand Delivery  
06 – First Class Mail

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